



# PUBLIC NOTICE

Federal Communications Commission  
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DA 04-691  
March 12, 2004

**In the Matter of Access Charge Reform,  
Price Cap Performance Review for Local Exchange Carriers,  
Transport Rate Structure and Pricing, End User Common Line Charges  
CC Docket Nos. 96-262, 94-1, 91-213, 95-72**

**NOTICE OF DISMISSAL OF PETITIONS FOR RECONSIDERATION**

On December 15, 2003, the Wireline Competition Bureau issued a Public Notice requesting parties that had filed petitions for reconsideration in the above-referenced 1997 Access Charge Reform Docket to file a supplemental notice indicating those issues that the parties still wish to be reconsidered.<sup>1</sup> The notice was issued because the petitions for reconsideration were filed several years ago, and the passage of time and various intervening developments, including litigation and additional Commission orders addressing access charge reform, may have rendered the records developed in response to those petitions stale.<sup>2</sup>

The Public Notice further stated that the Commission would deem such petitions withdrawn and would dismiss them unless parties indicated an intent to pursue their respective petitions for reconsideration no later than 30 days after publication of the Public Notice in the Federal Register.<sup>3</sup> The notice was published in the Federal Register on January 16, 2004, and comments were due February 17, 2004.<sup>4</sup> The Bureau did not receive any filings that responded to the notice within this time frame from parties that had previously filed petitions for

<sup>1</sup> *Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1997 Access Charge Reform Docket*, Public Notice, DA 03-3961 (Pricing Pol. Div., Dec. 15, 2003) (Public Notice); *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charges*, CC Docket Nos. 96-262, 94-1, 91-213, 95-72, First Report and Order, 12 FCC Rcd 15982 (1997) (*Access Charge Reform First Report and Order*), *aff'd sub. nom., Southwestern Bell v. FCC*, 153 F.3d 523 (8<sup>th</sup> Cir. 1998).

<sup>2</sup> Public Notice at 1-2.

<sup>3</sup> Public Notice at 2.

<sup>4</sup> *Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1997 Access Reform Docket*, 69 Fed. Reg. 2560 (Jan. 16, 2004).

reconsideration.<sup>5</sup> Accordingly, the Bureau deems these petitions withdrawn and hereby dismisses them as of **February 18, 2004**.

*Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.*

For further information, contact Marvin Sacks of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

**- FCC -**

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<sup>5</sup> Operator Communications, Inc. (OCI) responded to the notice, but OCI in fact addressed a request for clarification that it filed in a proceeding other than the one at issue. Thus, the OCI comments are not appropriate for our consideration here. Letter from Danny E. Adams, Counsel to OCI, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 96-262 (Dec. 31, 2003).